

**Response**

Applicant: Robert F. Sheppard

Serial No.: 10/763,072

Filed: January 21, 2004

Docket No.: 200901410-1

Title: MANAGING INFORMATION TECHNOLOGY (IT) INFRASTRUCTURE OF AN ENTERPRISE USING A CENTRALIZED LOGISTICS AND MANAGEMENT (CLAM) TOOL

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**REMARKS**

The following remarks are made in response to the Final Office Action dated January 20, 2011 and the Advisory Action dated March 30, 2011 and the Advisory Action dated May 17, 2011.

Claims 1-14 and 16-30 were rejected. No claims have been amended with this Response. Claims 1-14 and 16-30 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 1-3, 6, 7, 9, 16-19, 22, 23, and 25 under 35 U.S.C. § 102(e) as being anticipated by the O'Connor U.S. Patent Application Publication No. 2005/0138074 ("O'Connor").

Under 35 U.S.C. § 102(e), a cited reference can be removed as prior art if the date of invention of the pending application predates the prior art date of the cited reference. Here, the prior art date of O'Connor is the filing date of December 22, 2003.

With this Response, Applicant is filing herewith a newly signed Declaration under 37 C.F.R. 1.131 that swears behind the O'Connor filing date of December 22, 2003. In the Advisory Action dated March 30, 2011, the Examiner admits that the previously filed Declaration 1.131 shows evidence sufficient to establish conception of the presently claimed invention prior to the O'Connor filing date. In response to the Advisory Action dated May 17, 2011, Applicant submits the new Declaration under 37 C.F.R. 1.131, which includes paragraphs 7-14 and Exhibits D and E that show sufficient evidence to establish diligence from just prior to the O'Connor filing date to the filing date of the present Application (i.e., constructive reduction to practice). Also, Applicant submits that attorney's at Baker Botts were diligent in filing the final draft application on the same date that signature papers were received. As such, based on the new Declaration under 37 C.F.R. 1.131, Applicant respectfully requests that the O'Connor reference be removed as prior art under 35 U.S.C. § 102(e).

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Therefore, Applicant respectfully requests the removal of the rejection under 35 U.S.C. § 102(e) and allowance of claims 1-3, 6, 7, 9, 16-19, 22, 23, and 25

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 4, 5, 8, 20, 21 and 24 under 35 U.S.C. § 103(a) as being unpatentable over the O'Connor U.S. Patent Application Publication No. 2005/0138074 ("O'Connor") in view of the Gullotta U.S. Patent No. 6,985,955 ("Gullotta").

The Examiner rejected claims 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over the O'Connor U.S. Patent Application Publication No. 2005/0138074 ("O'Connor") in view of the Official Notice.

The Examiner rejected claims 11-14 and 27-30 under 35 U.S.C. § 103(a) as being unpatentable over the O'Connor U.S. Patent Application Publication No. 2005/0138074 ("O'Connor") in view of the Northcutt U.S. Patent Application Publication No. 2003/0126001 ("Northcutt").

With the removal of O'Connor as prior art under 35 U.S.C. § 102(e), Applicant submits that all of the above § 103 combination rejections based on O'Connor no longer apply. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn and that claims 4, 5, 8, 10-14, 20, 21, 24, and 26-30 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-14 and 16-30 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-14 and 16-30 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005.

Respectfully submitted,

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By his attorneys,

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